

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE/FEDERAL RELATIONS

Call to Order: By **CHAIRMAN AUBYN A. CURTISS**, on January 26, 1999
at 3:00 P.M., in Room 420 Capitol.

ROLL CALL

Members Present:

Rep. Aubyn A. Curtiss, Chairman (R)
Rep. Carol C. Juneau, Vice Chairman (D)
Rep. Jay Stovall, Vice Chairman (R)
Rep. Matt Brainard (R)
Rep. Kim Gillan (D)
Rep. Gary Matthews (D)
Rep. Dan McGee (R)
Rep. Karl Ohs (R)
Rep. Loren Soft (R)
Rep. Carol Williams (D)

Members Excused: None.

Members Absent: None.

Staff Present: Gordon Higgins, Legislative Branch
Deb Thompson, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted:
Executive Action: HJR 5, HB 234, HJR 8, HJR 7,

EXECUTIVE ACTION ON HOUSE JOINT RESOLUTION 5

Rep. Brainard **MOVED DO PASS.** He distributed testimony that had
been presented at the hearing representing Shiloh Rifles.
EXHIBIT (sfh20a01) He read the letter regarding the manufacture
of a black powder rifle in which a delay had caused the buyer
difficulty in purchasing the rifle. The system does not prevent

a felon from stealing a gun or buying from an individual. He said there was a question as to the legitimacy of the claim that an individual should be checked out at the time of purchase. This is undue interference with commerce.

Rep. Juneau said she was against the resolution. She referred to a pamphlet from Betty Waddell regarding violence in the use of guns. She supported the Brady Bill as a means to reduce violence. **{Tape : 1; Side : A; Approx. Time Counter : 6.8-8.7}**

Rep. Williams said she was against this because the NRA did not have an objection to instant background checks. Now instant checks are in place but have not been given a chance to work. She pointed out there had been 74% of the instant checks had been given immediate response. **{Tape : 1; Side : A; Approx. Time Counter : 8.9 - 10.1}**

Rep. Brainard pointed out there was an assumption that the instant check would sort out those with a good background but there maybe a violator that had never been caught. There may be a need for a firearm for a legitimate purpose or a sporting purpose. He described examples. He said the checks were a permanent part of the Brady Law but had only been implemented since November 10, 1998. **{Tape : 1; Side : A; Approx. Time Counter : 10.1 - 11.9}**

The question was called. The motion **FAILED** 5-5.

EXECUTIVE ACTION ON HOUSE BILL 234

Rep. Juneau **MOVED DO NOT PASS.** Gordon Higgins distributed an amendment that was proposed by the Department of Administration that addresses job applicants giving them 30 days to register. **EXHIBIT(sfh20a02) {Tape : 1; Side : A; Approx. Time Counter : 21.2 - 23.2}**

Rep. Brainard pointed out if the federal government thinks the selective service is important then they should handle it. The draft is inadequate for today's military situation. **{Tape : 1; Side : A; Approx. Time Counter : 23.2 - 25.8}**

Rep. Soft agreed and said there was no point of trying to teach patriotism, as one proponent identified, when someone applies for a student loan. **{Tape : 1; Side : A; Approx. Time Counter : 25.9}**

Rep. Williams said she worked with a lot of young people and was insulted when their patriotism was questioned.

Rep. Juneau pointed out a career choice of the service used to be an option. However, the service is very selective now.

Rep. Brainard **MOVED A SUBSTITUTE MOTION TO TABLE.** The motion **PASSED** 9-1.

EXECUTIVE ACTION ON HOUSE JOINT RESOLUTION 8

Rep. Curtiss **MOVED DO PASS.** *{Tape : 1; Side : A; Approx. Time Counter : 31}*

Rep. Williams asked why this was needed. Rep. Curtiss replied this was protection for land owners. The Legislature is not consulted and there is not adequate public hearings.

Rep. Gillan referred to a news article regarding the Lewis and Clark Trail and Congressman Hill. **EXHIBIT(sfh20a03)**

Gordon Higgins distributed the Gillan amendment.

EXHIBIT(sfh20a04) Rep. Gillan described the Billings Federal Building and the language in the bill could preclude the federal government from acquiring office space. *{Tape : 1; Side : A; Approx. Time Counter : 37.2}*

Rep. Brainard said the federal government could buy private land to build. He pointed out the state has a high proportion of federal land under management already. Further invitation of that kind of management and regulation to other land in the state poses a legitimate problem for the state of Montana. *{Tape : 1; Side : A; Approx. Time Counter : 37.2 - 39}*

Gordon Higgins pointed out as a resolution this would not amend the statute in any way which prohibits the federal government from purchasing. *{Tape : 1; Side : A; Approx. Time Counter : 39 - 39.6}*

Rep. Curtiss said she opposed the amendment. She pointed out under the 10th Amendment of the U.S. Constitution the federal government has designated property and all other rights are granted to the states. This resolution speaks to actions of the federal government in usurping the rights of the states in their own self determination. It threatens property rights. It violates a number of constitutional and statutory provisions. It is wasteful, inefficient and could be using money that has already been allocated for people in river communities to help themselves, like improve water quality. The river designation effect is unknown. It indicates there would be 13 federal agencies the ability to come in and involve themselves in river

communities. **{Tape : 1; Side : A; Approx. Time Counter : 39.6 - 42.2}**

The question was called. The Gillan amendment **FAILED** 5-5. **{Tape : 1; Side : A; Approx. Time Counter : 42.2 - 44.4}**

Rep. Soft said his concern was the Executive Order process. This is within the parameters of the president to do, but no one is aware of what they are or what they do, let alone the impact. **{Tape : 1; Side : A; Approx. Time Counter : 44.4 - 45.4}**

Rep. Brainard pointed out his concerns about the Heritage Rivers was the presidential decrees or Executive Orders. He described his mining property that was located in a wild and scenic river classification. He could accept this act because it was an act of Congress. Executive Orders are traditionally in times of emergency. He felt this order exceeded presidential authority. **{Tape : 1; Side : A; Approx. Time Counter : 45.4 - 47.2}**

Rep. Matthews said he had concerns about the River Navigator. He asked what was the authority, since it was not designed. Knowing the feed lots in the Eastern part of the state, there is concern from the livestock industries. He did not support the resolution.

Rep. Williams said she could not support the resolution. She read a short article from the *Missoulian*, regarding American Heritage River designation.

Rep. Brainard said if the initiative did nothing why was it issued, if there was no appropriation or no regulatory authority. Behind it all there is an agenda. It opens the door for an accumulated group of agencies to be involved in things beyond their scope. He pointed out there were already agencies in the state that monitor water. This initiative creates an extra government group to go out and do this. **{Tape : 1; Side : A; Approx. Time Counter : 49.9}**

Rep. Stovall pointed out local people could do a better job than outside influences. The agriculture organizations are against this. **{Tape : 1; Side : A; Approx. Time Counter : 53.8}**

The question was called. The motion **PASSED** 6-4.

EXECUTIVE ACTION ON HOUSE JOINT RESOLUTION 7

Rep. Curtiss **MOVED DO PASS**. She asked if the U.S. Congress had the ability to make land use decisions or if other influences

could come in and administrative action could dictate what we do in Montana. **{Tape : 1; Side : A; Approx. Time Counter : 53.8 - 57.8}**

Rep. Williams spoke about the World Heritage Sites. She said the program was not new but had been around for thirty years. Congress ratified it in 1972 for the purpose of identifying places in the world that were under some kind of danger, such as the Taj Mahal and the Sphinx, where there was some problems in preservation. She said each country retains sovereignty over their sites. **{Tape : 1; Side : A; Approx. Time Counter : 57.8 - 60}**

Rep. Curtiss pointed out it had only been in more recent years that they were utilizing the provisions. The American Land Sovereignty speaks also to biosphere reserves. She described the Antiquities Act passed in the 1920's that the chief executive issued the directive for the Grand Staircase Escalante and locked up 1.7 million acres in Utah, 2,000 of which was School Trust Land. Congress is being bypassed by the Chief Executive who is usurping the power of Congress. The resolution points out that Congress has the responsibility for land use decisions. **{Tape : 1; Side : A; Approx. Time Counter : 60 - 63}**

Rep. Williams noted the parks were national property and did not belong to the states.

Rep. Brainard said one of the troubling things going on in resources in the state is the lack of direction. Part of this is because there is a policy of management which is filtered through the agencies which has not been proclaimed by Congress, has not been established as policy. **{Tape : 1; Side : B}**

Rep. Brainard said the land use agendas taking place around the country, comes from language out of the 1972 Rio Summit and it is reflected in the management policies we see today. This includes the concepts of buffer zones and sustainable communities. The concept of sustainable development goes way back and is one of the concepts of classical forestry, however, there is an attempt today to deny us the use of our resources by incurring these buffer zones which is at the heart of what this resolution is about. Congress should be involved in this and to set policy through the representative process. **{Tape : 1; Side : B; Approx. Time Counter : 2 - 4}**

Rep. Curtiss pointed out the biodiversity treaty had never been ratified. She described the activities that had already taken

place around Glacier National Park, which included a 12 million acre buffer zone.

Rep. Soft asked about the activities that surrounded the shut down of the New World Mine. Rep. Gillan asked that the resolution be deferred until staff could provide information on the mine.

Rep. Brainard **MOVED TO DEFER** action. The motion **PASSED** unanimously.

ADJOURNMENT

Adjournment: 4:29 P.M.

REP. AUBYN A. CURTISS, Chairman

DEB THOMPSON, Secretary

AC/DT

EXHIBIT (sfh20aad)